



PATENT
600-1-200NCIP2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: YONGWON CHOI ET AL.

SERIAL NO.: 09/873,829 EXAMINER: UNKNOWN

FILED: June 4, 2001 ART UNIT: 1646

FOR: A PROTEIN BELONGING TO THE TNF SUPERFAMILY
INVOLVED IN SIGNAL TRANSDUCTION, NUCLEIC ACIDS
ENCODING SAME, AND METHODS OF USE THEREOF

COPY OF PAPER
ORIGINALLY FILED

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231 on April 29, 2002.

Michael A. Yamin, Reg. No. 44,414
(Name of Registered Rep.)

Michael A. Yamin 4/29/02
(Signature and Date)

PETITION AND RESPONSE TO NOTICE OF OMITTED ITEM(S)
IN A NONPROVISIONAL APPLICATION AND
REQUEST FOR INCLUSION OF OMITTED ITEM(S)

RECEIVED

APR 23 2002

U.S. PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Dear Sir:

In response to the Notice of Omitted Item(s) in a Nonprovisional Application dated March 14, 2002, for which a response is due on or before May 14, 2002, Applicants hereby petition the Commissioner and provide a response to said Notice. This petition request is accompanied by the required fee under 37 C.F.R. 1.17(h).

Applicants submit that the asserted omitted item, specifically Page 119 of the specification (description and claims) was filed and deposited with the U.S. Patent and Trademark Office with the nonprovisional application papers and request that the above-referenced nonprovisional application be recognized as complete as of the filing date and thereby be accorded a proper filing date of June 4, 2001.

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On June 4, 2001, Applicants filed the above-referenced continuation Application via Express Mail No. EL 806482679 US, as evidenced by the enclosed copy of the stamped receipt postcard. The filing papers included on June 4, 2001, and noted on the postcard, were as follows: 130 specification including 15 pages of claims + 1 page abstract; Transmittal Sheet/Cover Ltr.; Application for Patent; Declaration (copy); Drawings 26 Sheets.

As is customary and standard practice in the Office of Applicants' representative on filing a continuation application, at least one copy of the prior application, as filed, its associated drawings, as filed (Figures 1 through 24), the signed declaration from the prior application, were made in preparation for filing a continuation. The transmittal form PTO/SB/05 for filing a continuation was prepared and finalized, a postcard prepared, and the transmittal form and postcard mailed by Express Mail to the U.S.P.T.O., along with a copy of each of: the prior Application; its associated Drawings, as filed; its signed Declaration; along with a Petition to extend time. A second copy was placed in Applicants' representatives file for the new nonprovisional application designated docket no. 600-1-200NCIP2. Applicants' representatives have reviewed their file designated 600-1-200NCIP2 and note that page 119 is present in our file copy of the application. A copy of our file copy of page 119 is enclosed herewith.

Applicants provide herewith a Declaration under 37 C.F.R. 1.132 by Michael A. Yamin, Agent for the Applicants, stating and verifying that to the best of Mr. Yamin's knowledge and belief, page 119 was provided in the application as submitted to the U.S.P.T.O.

In view of the above and the enclosed Declaration and attachment in evidence, Applicants respectfully submit that to our knowledge and as indicated in our files, a full copy of page 119 was filed on June 4, 2001 with respect to the instant continuation application.

In the alternative, Applicants request that, by revision of the Transmittal Sheet filed with the Instant Application on June 4, 2001 or by this Request, that page 119 from the prior application

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U.S.S.N. 09/210,115 be transferred to the Instant Continuation Application and that said prior application U.S.S.N. 09/210,115 be abandoned as of the Filing Date accorded this Instant Application. The prior application U.S.S.N. 09/210,115 contained the entire application, including the asserted omitted page 119.

Applicants hereby request and petition that the instant Continuation Application be accorded the filing date of June 4, 2001 as a full and complete Application, including page 119. Such request is made by virtue of the above and attached noted facts and evidence that Applicants believe that upon filing on June 4, 2001, the Instant Application was mailed to the U.S.P.T.O. with page 119 therein. Alternatively, Applicants request that page 119 be transferred from the prior application U.S.S.N. 09/210,115.

Respectfully submitted,



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